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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,731	01/07/2004	Lawrence J. Cook	66026-0003	1730

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EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,731

Applicant(s)

COOK, LAWRENCE J.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper (US 2004/0025318).

As to claim 12, Cooper discloses a method of assembling first and second members comprising the steps of 1) providing an apparatus (see Figures 2 and 3) that includes a first independently extendible member (item 90), a second independently extendible member (items 48 and 52), a third independently extendible member (items 35 and 65) and a dispenser (items 80 and 87) operatively connected to the third independently extendible member; 2) inserting the first and second members into assembly fixtures (see Figures 5 and 6 and paragraphs 0024-0027); 3) extending the first independently extendible member to orient the dispenser about the first member (see Figure 8 and paragraphs 0031-0035); 4) dispensing an adhesive from the

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dispenser upon an outer surface of the first member (paragraph 0031); 5) retracting the third independently extendible member to align the first and second members (paragraph 0026); 6) extending the second independently extendible member to join the first and second members (paragraph 0027); and 7) applying compression to the first and second members (final 4 lines of paragraph 0027).

As to claim 13, Cooper discloses that the extending and retracting steps of the first, second and third independently extendible members are controlled by a pneumatic control system (paragraph 0035 to 0037).

As to claim 14, Cooper discloses that the compression step is controlled by a pneumatic timer (controlled by the microprocessor - see paragraph 0039 which discloses the control of the clamping time and the response time).

As to claim 15, Cooper discloses that the step of extending the second independently extendible member includes inserting a mandrel (Figure 6, item through the first member.

As to claim 17, Cooper discloses the step of retracting the first and second independently extendible members and extending the third independently extendible member to return the assembly apparatus to a home position.

As to claim 18, Cooper discloses that the compression applied to the first and second members is minimized before retracting the first and second independently extendible members (via the 2 clamping positions described in paragraph 0027).

As to claim 19, Cooper discloses a method of assembling first and second members, comprising providing a first extendible member (item 90) having a dispenser

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(item 80 and 87), a second extendible member (items 48/52) having a mandrel (item 40 and 42) and a third extendible member (item 35/65) having a first fixture (item 34, Figure 5 in general); inserting the first member (i.e., the clamp) into the first fixture and the second member into a second (i.e., the hose); moving the first extendible member to orient the dispenser proximate the first member (paragraph 00031-0035); dispensing a glue or adhesive from the dispenser onto the first member (paragraph 0031); moving the second extendible member to insert the mandrel into or over the first member (paragraph 0026) and to position the second member relative to the first member; and moving the third extendible member to compress the second member against a portion of the first member that includes the glue or adhesive (paragraph 0027).

As to claim 20, Cooper discloses a step of moving the third extendible member to align the first member and the second member prior to moving the second extendible member (see paragraph 0024, which discloses preliminary movement).

As to claim 21, Cooper discloses the step of securing the second member to the first member by waiting a predetermined period of time before removing the first and second members from the first and second fixtures (controlled by the microprocessor - see paragraph 0039 which discloses the control of the clamping time and the response time).

As to claim 22, Cooper discloses the step of separating the first and second members from the mandrel after compressing the second member against a portion of the first member that includes the glue or adhesive (see paragraph 0040, which discloses removal of the hose/clamp assembly).

Claims 23-26 are rejected on the same grounds as claims 19-22 above. Cooper is directed towards creating a hose assembly from a hose and a hose clamp (see Figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 12 above.

Cooper discloses pneumatic controls, but does not disclose hydraulic controls for performing the extending and retracting steps. However, official notice is taken that hydraulic controls are a well-known and conventional equivalent to pneumatic controls, offering similar capabilities with variations in the response times and response resonance. One in the art would be motivated to select whichever control mechanism

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based on desired response properties and/or the economic and on-site demands for the apparatus. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such hydraulic controls in order to achieve desired response properties within the economic and on-site constraints for the apparatus functioning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Patent Examiner
Art Unit 1734

GRK
5/19/2005